

# Are the Queer Movements in India Inclusive?: Explorations of Hierarchies within the Queer Community

### Swakshadip Sarkar

https://doi.org/10.51897/interalia/ZFCV3776

### abstract

India has seen progress in the laws and legislations granting rights to queer people in the last ten years. This resulted from decades of activism starting in the late 1980s. However, equal rights and opportunities have not been extended to all queer individuals, revealing fractures within the movement. In this context, this article explores the issues within the queer movements that have led to the hierarchisation of priorities that the movements have advocated for. Historically, queer activism has been dominated by the development sector, operating within neoliberal frameworks and global funding regimes. This has led to the prioritisation of certain issues due to the privileged backgrounds of those leading the NGOs, resulting in the exclusion of intersectional sexual subaltern groups who do not fit the neoliberal ideals of professionalism and corporatisation. The language used within queer movements, often shaped by global discourses, has also created barriers. Terms like men who have sex with men (MSM) and transgender, used to secure funding, privilege those with access to such terminology, leaving others marginalised. This centralisation of power persists today, exemplified in issues like advocating for same-sex marriage, which reflects homonormative ideals that reinforce existing class and caste structures. Meanwhile, critical issues – such as challenging the Transgender Persons (Protection of Rights) Act, 2019 or advocating for horizontal reservations for transgender individuals – are sidelined. To address these disparities, this article suggests that a bottom-up approach in queer advocacy is necessary to advocate for the rights of intersectional sexual subalterns, with some emerging queer movements beginning to reflect these ideals. Further, there needs to be more focus on rural and subaltern queer practices and advocacy in addition to forging alliances with other social movements – such as those on caste, class, and disability – to create safer spaces and inclusive queer movements.

### keywords

sexual subaltern, intersectionality, queer movements, NGOisation, India

## Introduction

History owes an apology to members of LGBT community and their families for the ostracisation and persecution they faced because of society's ignorance that homosexuality is a natural trait; its penal suppression infringes a host of fundamental rights."– Justice Indu Malhotra during the judgement that partially struck down Section 377 of the Indian Penal Code that decriminalised homosexuality in the country (Karthikeyan, 2018).

Swakshadip Sarkar, Victoria University of Wellington

The past decade has seen huge progress in terms of LGBTQ+ rights in India, especially spearheaded by NGOs and the development sector, with the decriminalisation of homosexuality by the partial removal of Section 377 in 2018 and the



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recognition of transgender people as a 'third gender' under the NALSA judgement in 2014 (Navtej Singh Johar & Ors v. Union of India, 2018; National Legal Services Authority v Union of India & Ors, 2014). These judgements were celebrated widely as liberation for queer people in India, and as "India decolonising" by a few activists (UAB Institute for Human Rights, 2018). However, is it truly queer liberation? For which queer people? The queer community in India is not homogenous and there is a power structure that cares for some people's rights more than others. Ashok Row Kavi, believed to be one of the pioneers of the queer movement in India and the founder of Hamsafar Trust, one of the largest and oldest NGOs advocating for queer rights in the country, blamed the "lesbian mafia" for "infiltrating" the Kashish Film Festival over the arrests made during 2020 Mumbai Pride (Iyer-Mitra, 2020). This gives rise to the question: who are queer spaces for? Are lesbian women not included in the queer movement? Similarly, in a health camp preceding the Kolkata Pride Walk in 2019 and which aimed to spread mental health and sexual healthrelated awareness, some of my acquaintances who attended the health camp told me that the speeches were entirely in English. Those from rural areas who were not fluent in English struggled to understand or ask questions regarding their health concerns. So, is the queer movement only for English-speaking queer people in the cities?

Hence, this article will seek to analyse how the queer movements represent only some queers but fail to represent others, who I will term as intersectional sexual subalterns based on the theorisations of Kapur (2000) and Roy (2015). Firstly, this article seeks to provide an overview of the history of the queer movements in India without which none of the hierarchies created can be analysed. The article will then analyse how the development sector was run by those who are intersectionally privileged based on the theorisation of Nigam (2016) and how it represents practices that do not conform to the homonormative assimilation of queer communities into the mainstream, as the movement has attempted. The section will also discuss how it seeks to exclude people at the bottom of these hierarchies, especially on class, caste, geography, language, and other axes. In the end, this article aims to inform the ways in which the queer movements can be made more inclusive, and these hierarchies can be dismantled.

## Theoretical Framework

Given that the study seeks to analyse the queer movements in India from an intersectional lens, intersectionality, as coined by Kimberle Crenshaw (1989), would be an important framework. This framework recognises that an individual's complete lived experience cannot be understood by focusing solely on one aspect of their identity. For instance, a Black woman might encounter a unique set of obstacles that differ from those faced by Black men or white women. Intersectionality



aims to acknowledge and confront these intricate, overlapping networks of oppression, privilege, and discrimination. Crenshaw originally conceptualised this idea by studying the specific challenges experienced by Black women and how their intersectional experiences were overlooked in both anti-racist and feminist movements. Bonane (2019) subsequently used the framework of intersectionality to analyse how the Pride movements in the UK did not fully represent LGBTQ+ Muslims and how autonomous organising was important to highlight the unique struggles faced by LGBTQ+ Muslims in the UK. Similarly, Labelle (2019) highlighted how the Pride movement in Quebec was white-centric and often lacked representation and spaces for queer people of colour. Therefore, intersectionality would be an important framework to analyse the Pride movements in India.

Given that intersectionality of identities is also connected to questions of privilege, the theoretical framework of privilege by Peggy McIntosh (1988) lists the privileges that she had due to being white and how she was taught about racism to promote otherness but never recognised the racism that is embedded within different institutions. When this is appropriated in the Indian context, Nigam (2016) highlighted how being an upper-class, dominant-caste Hindu man offers privileges in the form of social status, power, and control over others. Nigam also discussed the role of wealth inequalities and hidden privileges in perpetuating oppression and denying marginalised groups their rightful entitlements. Therefore, this will be another theoretical framework for unpacking how the Indian Pride movement advocates for the rights of some queers but ignores others.

In order to analyse Pride as a social movement, as well as its exclusionary nature, we must first examine the concept of homonormativity as coined by Lisa Duggan (2002). Duggan analysed the concept of normalcy within the LGBTQ+ communities and challenged the idea that assimilation into the mainstream should be the aim of Pride movements, as it often tends to exclude those who do not fit within the conventional ideas of gender, sexuality, and family. In the Indian context, homonormativity is particularly visible by the dominant focus of queer movements on introducing same-sex marriages and the right to form a homonormative family overlooking other forms of kinship that already exist within the Hijra communities, for instance. In addition, marriage in the Indian context also serves as a primary source of classist and casteist discrimination. Luther (2023) highlighted how this has historically been true even in the context of gay matrimony. For example, Yudi and Milind browse similar ads in the "Swayamwar" section of Bombay Dost (2003: 83). Among other culturally coded descriptors, complexion is notably mentioned: "...Raja, age 25, slim, slightly hairy, of brown complexion..." (84). Further, Luther (2023) highlights the case of Harish Iyer, a prominent gay activist, whose mother put up a matrimonial advertisement in a newspaper looking for a groom of the Iyer caste. While that was hailed as progress, others critiqued the caste preference. Harish and



his mother both defended this by introducing liberal tropes such as his mother mentioning how their family is multi-cultural through the marriage of different family members into different religions. Similarly, Harish defended it as a pun which he thought other readers would understand, in an attempt to affirm how he could not be discriminatory as a gay activist. What is visible here is the construction of gay activists as liberal and non-discriminatory, yet, the construction of a caste preference as a pun and expecting the readers of a newspaper to understand itself reveals caste and class bias.

The ways in which homonormativity in queer movements has led to the hierarchisation of some groups and marginalisation of others can be further explained by the concept of the subaltern, initially coined by Gramsci to denote those who are marginalised by the dominant group in social, political, and cultural aspects, and later popularised by Gayatri Chakravorty Spivak (2004) in "Can the Subaltern Speak?". Spivak theorised the subaltern to be not only marginalised by the dominant groups but also denied representation in both political and aesthetic senses (Thomas, 2018). Ratna Kapur (2000) further delved into the intersectional aspects of the subaltern, in particular, sexuality or the sexual subaltern. Ratna Kapur's deliberate use of 'sexual subaltern' refers not only to various sexual minorities within post-colonial contexts but also serves as a lens to critique the normative functions of heterosexuality, incorporating non-normative sexual identities and practices specific to these contexts. The sexual subaltern, much like any other subaltern subject, not only occupies a marginalised position in relation to societal norms but also challenges and disrupts dominant norms, particularly regarding gender, sexuality, and family, and thus exposing the limitations of liberal discourses within post-colonial settings.

As Nilsen and Roy (2015) mention, the exploration of sexuality not only offers fresh insights into the subaltern concept but also challenges the foundational assumptions of the initial subaltern studies project, particularly concerning the normative rational male subject. Through the lens of lesbian activism in her ethnographic study, Roy (2015) shifts the focus, demonstrating how sexual subalternity necessitates a broader, more interconnected, and intersectional understanding of the subaltern. The concept of the sexual subaltern encompasses individuals and groups positioned as subordinates within societal structures of sexuality, patriarchy, and gender, as well as serving as a critical tool to unveil the workings of 'sexual normativity' and its exclusions. This article will depart from the understandings by Kapur (2000) and Roy (2015) which were pertinent during the time it was written, considering every queer person as subaltern due to the dominance of heteronormativity within every aspect of society. While that still exists, however, in terms of advocacy and legal challenges, we have moved forward from decriminalising homosexuality and limited recognition of gender-variant indivi-



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duals. Therefore, this article will deal with the visibility of the sexual subaltern from an intersectional lens and deal with the question of which sexual subaltern the queer movement actually serves.

# The Queer Movement – History and Current Developments

The consolidation of power within the queer movements lies in the history of how the movements developed in India. Globally in popular discourses, we remember the gay liberation movement (as it was called back in the 6os and 7os) to have begun in 1969 with the Stonewall Riots in the USA. There have been instances of queer movements in different countries before that period as well (e.g., the riots in Compton's Cafeteria as mentioned by Stryker [2005]), but they are not well recorded. The discourse concerning Section 377 of the Indian Penal Code (IPC), an antiquated holdover from the British era that criminalised homosexuality, is intrinsically related to the history of the Pride movement in India. Even after India gained its independence, and in spite of the inclusion of a specific Article 14 promising equality for all, the legacy persisted. In the early 80s, the Indian diaspora in the West played a role in the development of the queer movement in India.

The earliest South Asian diaspora organising can be traced back to a progressive group of South Asian queer feminists forming the collective Anamika in 1985. Members of the club "debated and discussed the practical, political, and theoretical concerns that South Asian lesbians face" in a newsletter that was produced. Its name, Anamika, which is a Sanskrit word that literally translates to 'the one without a name', came up as a result of many of its members being forced to write under a pseudonym due to the prospect of being outed in the community and the general fear of being deported (Adur, 2017). Soon after, in 1986, Arvind Kumar and Suvir Das founded Trikone. This organisation, which was founded in San Francisco, has served as the starting point for a significant portion of the South Asian gay and lesbian movement both nationally and internationally. The organisation published a magazine of the same name which has been available in India since its inception and used to carry contributions from Indians (Karnik, 2016; Ratti, 1993).

Left-wing and liberal women's and human rights organisations have also joined these campaigns to repeal Section 377 of the Indian Penal Code, a law passed by the British in 1860 that criminalises sexual activity "against the order of nature". Lesbians have been actively involved in a number of these initiatives (Vanita, 2005: 561). The inception of the Bombay Dost in 1990 and its sister organisation Humsafar Trust marked a new shift in the beginning of queer activism in India. The AIDS Bhedbhav Virodhi Andolan (ABVA hereafter) promoted awareness of the stigma and discrimination experienced by those living with HIV/AIDS as well as the high incidence of HIV/AIDS among LGBTQ+ people as a result of Section 377



(Chaudhary, 2019). "Less Than Gay: A Citizens' Report on the Status of Homosexuality" in India, published by ABVA in 1991, was the first document to openly advocate gay rights in India. Numerous changes – at the global and micro levels – facilitated the LGBT rights campaigns in India (Khatun, 2018). After police searches targeted homosexual cruising in Central Park and Connaught Place in New Delhi, one of the earliest protests against police abuse of queer men in India was conducted. The ABVA assembled at the Delhi police headquarters on August 11, 1992, to voice their displeasure with the force's operations. The question in the memo provided to the police was:

When will the police get rid of its homophobia? Is it a crime for two consenting adults (of the same sex) to meet in a public place, become friendly and have a healthy discussion on sexuality or any other matter – which may or may not end up in sexual activity at a place other than a public space? (Suresh, 2014)

Soon after, ABVA filed a public interest suit in the Delhi High Court in 1994 contesting the constitutionality of Section 377. A medical team that visited Tihar Jail in Delhi and reported a high frequency of sodomy in the wards prompted the filing of the petition. But soon after, the ABVA became defunct, and the petition was never heard. The 1996 movie Fire by Deepa Mehta was a turning point in Indian lesbian activism and discourse. The storyline of the movie focuses on Radha and Sita's forbidding sexual impulses. Right-wing activists from the Shiv Sena and Bajrang Dal stormed movie theatres across the nation when it was released in 1998 in an effort to prevent people from watching it. As a result, the publication of this film prompted a national dialogue on lesbian and homosexual rights (Turner, 2014). Among the first lesbian organisations were Sakhi in Delhi, which is no longer operational, and Stree Sangam in Mumbai, which still exists with the name Labia. The book Sakhiyani (1996), written by Sakhi's creator Giti Thadani, was possibly the first to look at lesbianism in India. Olava in Pune, Aanchal in Mumbai, Sahayatrika in Kerala, Sappho in Kolkata, and Sangini in Delhi are some of the contemporary lesbian organisations that are active. Numerous other lesbian organisations have also appeared, vanished, or changed into other organisations (Vanita, 2007). After five years, India witnessed its first Pride Walk in Kolkata known as 'Friendship Walk' at that time in 1999. In 2001, the Naz Foundation, a non-governmental organisation that works in the area of HIV/AIDS intervention and prevention, filed a writ petition with the Delhi High Court showcasing how the Indian Constitution, specifically Articles 14 (equality before the law), 15 (non-discrimination), 19(1)(a)–(d) (freedom of speech, assembly, association, and movement), are violated by Section 377, which penalised sexual acts between consenting adults that took place in private (right to life and personal liberty). The Naz Foundation disputed that Section 377 had a bigoted impact because it was primarily used to criminalise homosexual behaviour, therefore putting HIV/AIDS prevention strategies at risk by pushing homosexual men and other sexual minorities underground. The High



Court rejected the writ petition and a following review petition in 2004 on the grounds that only purely academic questions had been filed and could not be reviewed by the court. The Naz Foundation submitted a fresh writ petition in 2006 in which it argued that consensual same-sex sexual encounters between adults should be decriminalised in 2009, and the High Court agreed, ruling that doing so would violate the Constitution's guarantees of equality before the law, nondiscrimination, and the right to life. The appellants stated that criminalisation worsens stigma and discrimination and hinders HIV prevention programmes by obstructing condom distribution, obstructing the collection of HIV data, and obstructing the dissemination of information. It also restricts access to health services, pushes the community underground, prevents disclosure of symptoms, and eliminates safe spaces, which encourages risky sex (Chandrika, 2018). Individuals and religious organisations appealed the High Court ruling. On December 11th, 2013, the Supreme Court of India maintained Section 377 and overturned the Delhi High Court's decision that had decriminalised adult consenting same-sex activity (Rao and Jacob, 2014).

Nonetheless, during this brief era of decriminalisation, discussions about social acceptance took precedence over those about legality. The emerging queer movement paradoxically owes a lot to Section 377, as Arvind Narrain (2007) has noted. Queer groups mobilised around its repeal, therefore after 2009 the movement's approach to campaigning and the specific issues it advocated for had to change. Laws, and discussions about them, create channels of communication between various institutions and social groupings. When Section 377 was contested, the conversation that resulted almost took precedence over the law itself. Throughout feminist and feminist-sympathetic discourse, there have been concrete discursive changes that imply that the social position of the sexual subaltern was steadily solidifying while the legal status was still in flux. The change in discourse post-2009 is evident in publications from Yoda Press, recognised as India's primary publisher in queer studies. Publications before 2009 advocated for legal change, while publications after 2009 shifted focus to envision a space for sexual subalterns within Indian society rather than relegating them to its margins. The literature on queerness published during this time also marked a shift from a more covert mention of queerness as in Das or Chughtai's compositions to more overt representations of queerness such as Out!: Stories from the New Queer India published by Queer Ink (Turner, 2014: 136). Four well-known Indian celebrities who identified as LGBTQ+ people contested this verdict in 2016. They said that privacy is a fundamental right and that groups of Indians who freely exercise their right to pick a partner shouldn't be subjected to prejudice. The Supreme Court unanimously decided to remove Section 377 in September 2018 after rejecting claims that samesex partnerships are culturally offensive and cause sexually transmitted illnesses (Paul, 2022).



On the other hand, the National Legal Services Authority vs. Union of India judgement (hereinafter, NALSA judgement) in 2014 recognised the gender variant groups as a third gender following years of agitation (Nagar and DasGupta, 2023). The Supreme Court ordered both the federal government and state governments to take the necessary actions to provide transgender patients with medical care in hospitals as well as separate public restrooms and other amenities. Additionally, they were instructed to manage unique HIV/Sero-surveillance programmes for transgender people. The federal and state governments requested that the group take part in various social welfare programmes and be classified as a socially and economically backward class. Moreover, reservations were asked for employment in government and educational organisations (Sarkar, 2022).

Despite opposition from transgender activists around the nation, both houses of Parliament approved the Transgender Person's (Protection of Rights) Act, 2019 (TPPR Act hereafter). The Act also narrowed the definition of the transgender population to include only transmen, transwomen, *Hijras, Jogtas, Kinner, Aravani,* and people with intersex variants. The Act excludes those who identify as gender non-conforming and other gender variant communities including *Kothis, shivshaktis,* eunuchs, and *nupa manabi,* among others, and conflates gender with sex. The Act also confines transsexual identities to biological essentialism, requiring medical treatments before a person may legally identify as either a man or a woman. In addition, the Act also includes provisions for non-discriminatory equal chances in education and work, but didoes not impose any penalties for violations, making it a toothless tiger (Sarkar, 2022).

Therefore, the queer movement in India primarily began as an anti-AIDS movement in the late 1980s. The petitions to remove Section 377 and the legal changes to recognise transgender people were directly or indirectly influenced by the AIDS epidemic as evidenced by the movements led by ABVA and the petitions filed by the Naz Foundation primarily referencing the effect of Section 377 on HIV/AIDS advocacy as mentioned at the beginning of this section. However, it is evident from this section that the queer movements in India have been primarily led by NGOs and organisations in metropolitan cities such as Kolkata, Delhi, and Mumbai as evident in the petitions and demonstrations. This has also led to the hierarchisation of the queer movement and the rights accorded to the sexual subaltern, as will be discussed in the following sections.

## NGOisation

Given that the queer movement in India was spearheaded by NGOs such as ABVA and Naz Foundation among others, as mentioned earlier, it is important to look at



how there has been an NGOisation of the queer movement and how this shaped the discourses around politics and advocacy. Several social movements, activist networks, and academics frequently use the word 'NGOisation' to describe the institutionalisation, professionalisation, depoliticisation, and demobilisation of movements for social and environmental change (Armstrong & Prashad, 2005; Burrowes et al., 2007; Kamat, 2004). An analysis of the political economy of nongovernmental organisations (NGOs) in an era marked by a globalising capitalist colonisation of territories, nature, peoples, and cultures reveals that partial accounts of NGOs pay insufficient attention to problems of power, dependence, and/or complicity with state, market, and multilateral/international institutions. Incite! Women of Color Against Violence's volume The Revolution Will Not Be Funded (Burrowes et al., 2007) and James Petras' (1999) classic essay "NGOS: In the Service of Imperialism" both criticise the NGOisation as a new form of imperialism where Western knowledge production and Western notions of progressivism are imposed on the East (Tellis, 2012). However, this import of Western knowledge results in an uneven landscape for activists who have access to such knowledge and those who do not. As Vijayakumar (2021) noted, the transnational funding for HIV/AIDS interventions helped highlight the state of the HIV/AIDS epidemic in India but also highlighted certain challenges such as the formation of respectable sexuality as a premise for engaging with the state. Vijayakumar et al. (2022) noted that the recipients of transnational funding were often large organisations that frequently ignored the smaller grassroots organisations. Therefore, this will be juxtaposed to explain the effects the transnational funding had on the queer movements.

The queer movement in India was mostly led by the development sector and gained traction with the HIV endemic. The movement in its early stages mostly focused on removing Section 377, as the existence of this law meant that those who wanted to spread awareness around safe sex practices and HIV were at risk of harassment by the police or criminalisation. The arrest of Arif Jafar on June 6, 2001, who was working with the Naz Foundation and distributing condoms at Lucknow's Charbagh station, and the subsequent arrests and sealing of the Naz Foundation's Lucknow office (Ratnam, 2019), provides testimony to the fact that Section 377 had a huge impact on awareness about safe sex practices and HIV. The removal of Section 377 would have ensured that awareness can be spread amongst those who are at risk of HIV, including gay and transgender people. Therefore, the movement was less about rights and more about access to knowledge about the prevention of HIV. The NGOs that support HIV/AIDS prevention and gender/sexual rights collaborate with the Indian government's AIDS control programmes as well as with international donors like the World Bank, the Global Fund, and the Department for International Development (UK), which channel HIV-prevention funding through the Indian government and other powerful NGOs (Dutta, 2013).



What challenges does this funding bring up? First, the sociological landscape becomes flattened into paradigms of identity and rights as a result of financial agendas providing the language and dictating the conversation surrounding gender and sexuality. These paradigms frequently impede or outright forbid desired transformation processes (Tellis, 2012). The power relations of funding from the Global North to the Global South establish the superiority of Western forms of knowledge and undermine the knowledge and customs of the Global South, thereby establishing what can be called neo-colonisation (see Wondirad et al., 2020; Sakue-Collins, 2021; Chowdhury, 2023). NGOs give priority to the goals of multinational organisations whose empowerment objectives might not always be shared by the community they claim to represent. They lose touch with their responsibility to their supporters as a result (Bernal and Grewal, 2014). Britton (2006) saw how domestic violence organisations targeted short-term, eye-catching trial programmes to draw in external funding agencies in South Africa. Furthermore, according to Kaitlin Dearham (2013), it was challenging to take into consideration class variations in access to rights since queer women in Kenya had to modify their sexuality-based demands within the constrained parameters of human rights. On the other hand, Ana-Maurine Lara (2018) has highlighted how LGBT activists in the Dominican Republic have capitalised on their links to international organisations and clever use of the LGBT human rights framework to demand their rights as both individuals and citizens (Asante, 2021).

Similarly, in the case of India, local variations of gender and sexual expression were formalised into an official map of MSM (men who have sex with men) subgroups, where Kothi represents feminised penetrated men who are a 'high-risk group' (HRG) for HIV infection, dupli or double-decker represents versatile men at a lower risk, and parikh or panthi represents penetrating masculine men at the lowest risk (Dutta, 2013). Hijras were included in MSM interventions, but were also given a separate transgender designation, in accordance with prevalent activist and academic depictions of *hijras* wearing feminine dress as a 'third gender'. MSM has become a common term in American epidemiological discourse to refer to same-sex relationships among individuals who did not identify as gay (Boellstorff, 2010), acting as a catch-all phrase for "cross-cultural variances... in sexual identity" (Reddy, 2005). MSM was incorporated into the Indian government's National AIDS Control Plan (NACP) in the middle of the 2000s as a result of advocacy from well-known NGOs like the Humsafar Trust and Naz Foundation International, which helped the state map and categorise MSM based on risk of HIV infection. As a result, the official MSM map foreshadowed the transgender-MSM separation in two ways: first by excluding Hijras from MSM, which eliminated overlaps between dhurani, Kothi, and Hijra, and second, by excluding Kothis from other MSM, such as duplis or parikhs. Hijra/Kothi communities were incorporated into a broad MSM-transgender framework through interactions between post-colonial governmentality and the cultural



logic of community building. Because *Kothi* encompasses a range of gender and sexual orientations, attempts to define legally defined minorities for public welfare may legitimise established hierarchies of gendered legitimacy (Dutta, 2013). Therefore, the Western categorisation and knowledge were implemented in the Indian context which put the local variations of gender and sexual expression and the intersection of identities within the Indian context in jeopardy.

Another challenge arises because urban NGOs receive most of the funding, rural environments, where many persons and groups have tremendous difficulty expressing sexual and gendered self-constructions, receive little to no attention. Roy (2015) has talked about the NGOisation of feminist movements in India and the ways in which only the dominant caste and upper-class women from the cities have been at the centre of the feminist movements while putting those from the rural, working class, and oppressed caste backgrounds at risk. Similarly, the urban NGOs in cities like Delhi, Mumbai, Kolkata have been at the helm of leading the queer movement in India and have garnered most of the funding. The inability of the NGOs based in rural areas to communicate in English or to represent rural gender and sexual expressions in Western notions has left them deprived of funding, and therefore their ability to put forward their voices in the legal and social realm has also been curtailed.

A third challenge is that, given that these NGOs are run by upper-class individuals and that there is open interaction between NGOs and 'queer activists', it is therefore these individuals' agendas that are in the spotlight while minority formations, some of which must be taken into account given the issue of funding, are appropriated and othered as 'high-risk populations' or similar epidemiological categories, or as Indigenous cultural categories in need of modernization into twenty-first century 'queerness', while others are ignored (Tellis, 2012; 148).

Similar to transnational discourses of queer developmentalism that construct linear teleologies of sexual modernization and position Euro-American societies and LGBT subjects as ideals to which others must catch up, Indian liberal media and queer activism positions metropolitan queer communities as the vanguard for their disempowered rural or small-town brethren to follow (Dutta 2017; Mason 2018; Dutta, 2022). One can easily identify the Foucauldian (1980) discourse of power relations in the Indian queer movement where subordinate social groupings like the rural expressions of queerness are led into skewed representations of real reality by dominant social groups, i.e., metropolitan queer communities. Dutta (2022) has talked about the practice of *lagan* (or *launda nach/launda naach*), a performing art form where 'feminine guys', or *launs*, dance at weddings and other events. This is a profession taken by many persons belonging to the *Hijra/Kothi* communities. The developmental discourse has often mentioned sexual violence and the potential



risk of HIV and other STDs faced by *laganwalis* (those who engage in *lagan*). However, the experiences of *laganwalis* are entirely different. They often talk about the freedom that the profession provides and the good times that they have spent when they were performing. Therefore, the development discourse often does not take into account the lived experiences of the populations which do not conform to the twenty-first century 'queerness' and engage in gender and sexual expressions and practices that differ from those of the metropolitan queer community.

### Discourses of Language

The existence of language related to gender and sexually diverse identities prior to colonisation remains widely debated. Vanita (2002) discussed the dominant idea that prior to the late-nineteenth-century invention of labelled identity categories by European sexologists and psychologists, inchoate sexualities and sexual behaviours existed but were not perceived or named as defining individuals, groups, or relationships. This contrasts with the view held in lesbian and gay studies in the Euro-American academy that same-sex desire historically went unrepresented in South Asian languages. Vanita challenges this view by pointing to the existence of terms and conventions related to same-sex love and desire in South Asian history, such as *dogana* (a term in some Urdu dictionaries that refers to a woman's female lover) and *chapti* (rubbing/clinging used to refer to female-to-female sexual relations), which have not been widely recognised by theorists in queer studies.

The perceived absence of local unifying terminologies followed by the NGOisation and the overwhelming influence of funding from foreign organisations also raise the issue of linguistic discourses and linguistic hegemony. Poor translation and interpretation capabilities in local languages are a problem that plagues the development NGO sector on a large scale (Footitt, 2017; Luchner, 2018). In development projects, language requirements are frequently not planned for in advance or budgeted for (Footitt et al., 2018). This has an impact on organisations' capacity to listen to the populations they pretend to serve. According to accepted knowledge in international development, listening is crucial to all major project phases, from needs analysis to monitoring and evaluation (M&E) (Anderson et al., 2012). The terms LGBT+ and queer have been widely used in upper-class and privileged activist circles in India, which frequently do not include disadvantaged identities from rural areas whose behaviours frequently deviate from Western conceptions of gender and sexuality. This can be referred to as the McDonaldization (Ritzer, 2002) of gender and sexual identities and expressions.

The NALSA ruling and the Supreme Court's partial repeal of 377 likewise centre on the dominant Western discourses. Although the NALSA acknowledged the third gender, the idea of the third gender in a subaltern milieu is problematic in and of



itself. M. Kay Martin and Barbara Voorhies first used the phrase 'third gender' in reaction to what European-American anthropologists had learned from researching distant civilizations. The phrase referred to gender roles and behaviours that did not follow the Euro-American system of power and labour being divided into a binary man/woman relationship. So, the fascination with which the Western gaze seeks to analyse culture in non-European nations is encapsulated by the third gender. While it posed a challenge to the gender binary as it was established in the West, it became problematic in post-colonial societies where people from genderdiverse backgrounds were placed in the third category, which served to sanitise and clear up any confusion regarding the distinct first and second gender categories. In contrast to the ambiguous third gender, it restored the first and second gender categories as the superior, binary categories (Ibrahim, 2019).

The HIV/AIDS discourses also introduced terms such as MSM and transgender, as mentioned earlier. However, the distinction of homo/trans binaries that is prevalent in the West often does not apply to the South Asian forms of sexual and gender diversity as Dutta (2014) has argued. This has also led to heated debates within the activist circles in India. In West Bengal, parallel to Project Pehchan which worked with MSM, transgender, and Hijra communities to prevent the impact of HIV, the AIDS control body of the West Bengal state government proposed separate HIV/AIDS interventions for transgender people due to discrimination. This caused disagreements among community members attending, with some arguing over who could be considered part of the transgender category. Some activists mentioned that many Kothis who were transgender were already a part of these interventions while others who opposed such a conflation accused MSM leaders of faking being transgender. Some trans people threatened to take their clothes off to prove that they were not MSM (Dutta, 2013). Several people disagree with the term 'transgender' since it does not encompass the whole range of gender variation, particularly in the case of Hijra or Kothi rituals and kinship that violate the connotations associated with transgender and confound gender and sexuality (Dutta, 2014). The usage of terms like 'transgender' also replicates the colonial forms of knowledge and obscures the diversity of gender and sexual identities and practices in the postcolonial world as argued by Stryker and Aizura (2013). Being a Kothi myself, the usage of transgender in the communities is generally thought to be broader and includes feminine gay men who would otherwise be included under MSM categories. The usage of these terms in the institutional discourses fuelled by NGOisation and queer activism signifies those who do not identify under these categories especially working class, rural, and oppressed caste gender variant people as unworthy of recognition.

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# Centralisation of Power and Othering of Subaltern Queers

The earlier sections explored how there has been a centralisation of power within the queer movements with the upper-class, dominant caste, metropolitan, and English-speaking cis-gender people at the helm of the movements. Despite the desire to undermine societal power structures, activism has been greatly hampered by the development of power hierarchies inside activist circles. The transport of knowledge from the West to the East, in terms of transnational funding, has meant that the Indian discourses have also adopted neo-colonial understandings of gender and sexuality. Furthermore, there has also been a shift towards rights-based movements such as the marriage equality debate. While the queer movement aims to critique normative structures, a hierarchical structure has been created within the movement that treats certain people and issues more important than others.

One significant factor is the cultural imposition of homonormativity, which has contributed to the perception of able-bodied, upper-class, dominant caste, cis-gay persons as having influence in the community. The presence of homonormativity within the queer movement seeks to exclude those not included within the purview of respectable queerness. This frequently sparks hatred against effeminate men, lesbians, other gender minorities, and those who do not have the means to conform such as those belonging to marginalised class, caste, religion, geography, disability, and other axes. On a larger scale, this prepares the way for an unequal development regime that is not inclusive (Roffee and Waling, 2016; Dave, 2011). This is evident in the same-sex marriage debate in India which affirms the homonormative theorising by Duggan (2002) and how the queer movements seek to assimilate within the mainstream instead of disrupting the social structures that exist. The TPPR Act which challenges and subverts the NALSA judgement that granted the right to selfrecognition of gender remains unchallenged before the courts, whereas the number of petitions for same-sex marriage has started mounting. The importance provided to homonormativity within queer movements and the lack of attention to various forms of kinship within the Kothi/Hijra communities is a glaring example of how causes that are important to the intersectionally privileged queer people are provided importance, while those faced by the intersectional subaltern queer population are ignored.

The ability of the LGBTQ+ movements to achieve inclusive growth of overlapping queer identities is hampered by microaggressions based on caste, religion, disability, region, and language. One example of microaggression is the blatant transphobia that is pervasive amongst many gay men which I have noticed in several Indian gay groups on social media. Being a *Kothi*, I have faced harassment in several gay groups where I was either singled out due to my gender identity/expression or been called derogatory terms such as 'sissy' while protesting against transphobic posts in these



groups. Similarly, there have been contestations over who can be allowed to identify as transgender and allowed to legally identify as one within the queer movement itself. The lack of representation of gay and bisexual women and people on the transmasculine spectrum has translated into policies that exclude them. For example, while the NALSA judgement took into account the rights of the people on the transfeminine spectrum, trans-masculinity was mentioned only twice in the 150-page-long document (Semmalar, 2014).

Similarly, there has been silencing and ignorance towards caste within queer movements at times, and being told not to bring in caste within queer movements. One such instance was when Rishikesh Raut, a Dalit trans individual, was told to keep her "Dalit identity at home" and not bring it to queer events ahead of Pune Pride where the theme was traditional (Bansal, 2022). The queer spaces also continue to be microaggressive towards people with disabilities as Mantrii (2023) notes. Queer people with disabilities continue to be relegated towards the margins as most queer spaces lack accessibility and there has been less dissemination of knowledge and organising around the intersection of queerness and disabilities. The queer movements, primarily in metropolitan cities, also continue to be discriminatory towards those coming from rural areas. Being from a small town in West Bengal myself, there have been multiple instances where consultations with the community have been set at a location in Kolkata and a time that would make it impossible for me and others in my region to travel back home on the same day. Hence, people from the rural regions are often excluded from the consultations, and thus they tend to reflect the concerns of the metropolitan queer population. Similarly, most of the events and information dissemination are often held in English, as my acquaintances who attended the health camps organised before the Kolkata Rainbow Pride Walk in 2019 and 2022 informed me. The usage of English during the Pride Walks by the volunteers also made the event seem unwelcoming for people who could not speak English. This was evident when a non-English speaking Kothi individual from a rural area in Kolkata Rainbow Pride Walk 2022 was visibly confused about what was going on and scared at times. Therefore, the movement excludes people who fall outside the purview of the metropolitan, ablebodied, dominant caste, upper-class, cis-gay men, which is then often translated into policies.

## Way Forward

This article began with the question: which queers does the queer movement in India represent? I explore the ways in which those who are intersectional sexual subalterns remain marginalised within the priorities of law-making which are mainly driven by the development sector in India. This often leads to differential consideration of issues. The recent move by Dalit transgender activists in different



parts of the country for the implementation of horizontal reservation by the greater LGBTQ+ community organisations and the lack of media attention towards this is another example of how the queer movement privileges homonormativity over advocating for legislation benefiting the intersectional subaltern queer population. While same-sex marriage was one of the most debated and discussed topics in April 2023, the arrest of Dalit transgender activist Grace Banu for a peaceful protest in Chennai (The Hindu Bureau, 2023) demanding horizontal reservation was completely ignored by the media and a large portion of the LGBTQ+ movements. The lack of intersectionality within the queer movements and their dissociation with other rights-based movements like caste, class, religion, disability, etc., has created hierarchies within the queer communities and further increased the marginalisation of those who lie at the intersection of marginalised identities.

The movements, while achieving a few significant legal rights milestones, have mostlyleft out marginalised communities, and have sometimes become hostile if discourses of caste, class, disability, geography, and other axes of marginalisation have been raised, as I have mentioned. The queer movements have mostly tended toward the neoliberal funding regime and prioritisation of issues that can be understood by the global funders, i.e., a top-down approach. What is necessary within the queer movements is a bottom-up approach, as has been characterised in the case of health literacy movements in the USA by Huber et al. (2012). Choudry (2012; 150) analysed how there is a need to form informal spaces within social movements where one can learn through social interactions and not be overtly controlled by professionalism, as is the case within neoliberal funding regimes. This form of knowledge production can lead to the development of critical consciousness and theory which would be grounded in action and organising contexts rather than ideas developed somewhere else and being imposed on 'the people'. This is not new in the Indian context as Dalit-led NGOs have for decades resisted the neoliberal modes of functioning which have allowed them to keep a political connection with the daily struggles of the Dalit community and engage in more radical politics (Ismail and Kamat, 2018).

While resistance to NGOisation has been paramount in the Dalit movements, it is slowly becoming a norm within the queer movements. There have been alternate forms of organising such as recent initiatives by organisations like the Dalit Queer Project and Queer Muslim Project. These organisations are voicing the struggles faced by Dalit and Muslim queer youth, respectively. In addition, the expansion of Pride Walk to various non-metropolitan cities and towns has also been crucial in shifting the historic focus of the queer movements from cities to rural areas. In a recent Pride Walk in June 2023 in Barrackpore, West Bengal which is a suburban area outside of Kolkata, I was informed that the representation was much more subaltern compared to that of Kolkata Pride as many people engaged in subaltern



practices of *thikri* (the practice of clapping done by *Kothi/Hijra* individuals to reflect their presence) and *ulu deowa* (a traditional practice done in West Bengal during different religious rituals and customs but also has become an act of resistance by *Hijra/Kothi* individuals). This representation is vital to ensure that the rights and experiences of all LGBTQ+ individuals, including those who are intersectional sexual subalterns, are protected and acknowledged.

Furthermore, the right to self-identity and the dismantling of hierarchical structures within the queer community is paramount. Queer theory, which relies on post-structuralist notions of identity and performance, emphasises the importance of individuals defining and expressing their own identities. It challenges the notion of fixed categories and encourages the recognition and acceptance of diverse gender and sexual identities (Namaste, 1994; Monro, 2005). However, as Duggan (2002) noted, queer movements are not post-structuralist but rather rely on assimilation with the mainstream. This is true for the queer movements in India as well. To create truly inclusive queer movements in India, it is essential to consult rural NGOs, who do not have the resources to participate in neoliberal funding regimes, and consider their perspectives while designing laws and policies. According to the World Bank (n.d.), rural areas constitute 65% of the country's population. Ignoring the voices and experiences of the rural queer population would be deeply unjust and would lead to the silencing of a significant portion of the community. Inclusive policies that address the unique challenges faced by rural LGBTQ+ individuals are crucial for achieving true equality. While there has been some organising in the rural parts of India, there remains a significant gap in how their voices are represented in the mainstream. Consultations with rural queer organisations and representing them in the media are crucial to boost their visibility and provide them with a more central role in policymaking.

Moreover, the queer movement should align itself with other social justice movements, such as those fighting against caste discrimination, class inequality, and ableism. This can be in terms of collaboration with individuals or organisations that are focused on the aforementioned axes of marginalisation. The collaborations can lead to educating people from the queer communities about intersectional challenges as well as creating spaces for the intersectional sexual subaltern. By acknowledging and addressing the interconnectedness of different forms of oppression, the queer movement can become more inclusive and effectively advocate for the rights of all marginalised individuals. An encouraging example of fostering inclusivity and resisting the privileging of queer rights can be seen in the Kolkata Pride of 2022. During the event, slogans like *"ami koti ami dhurai, dhuriye dhuriye bhaat khai"* (I am Kothi and I do sex work, I earn my living by doing sex work) and *"caste amar rokte rokte"* (caste is in my blood) were raised, shedding light on the experiences of the intersectional sexual subaltern due to factors such as caste, geography, class,



disability, and more. Although this was met by resistance from the organisers citing the lack of permission for sloganeering from the police, this was a significant milestone to bolster the visibility of the intersectional sexual subaltern. Therefore, while significant steps are being taken to bring forward the intersectional experiences of LGBTQ+ people, more initiatives such as these should be taken to ensure that rights are protected for all LGBTQ+ people, including the intersectional sexual subaltern.

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